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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/789,676

02/27/2004

Peter Kennedy

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EXAMINER

LESPERANCE, JEAN E

ART UNIT

PAPER NUMBER

2629

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/789,676             | KENNEDY, PETER      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jean E. Lesperance     | 2629                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The application filed February 27, 2004 is presented for examination and claims 1-20 are pending.

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 18 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 18 is directed to a computer readable medium including at least a computer code executable by a computer ~~without recited~~ without recited that the computer code is stored on a computer readable medium.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being unpatentable over USPN 5,252,951 ("Tannenbaum et al. ").

Regarding claim 1, Tannenbaum et al. teach the stroke across the touch sensor is collected as a time sequenced set of coordinates usually resembling a shape such as a circle or arrow which are deciphered by a gesture recognition unit (column 17, lines 59-62); if the stroke is recognized as one of the gestures in the stored library of shapes an action or series of actions will take place (column 17, lines 62-64); and the appropriate action is chosen from one of a plurality of interface profiles which match gestures, as well as other input, against corresponding commands (column 17, lines 65-67).

Regarding claim 2, Tannenbaum et al. teach the completed stroke is compared against all shapes found in the gesture libraries in the gesture recognition unit designated to be currently active (column 19, lines 40-42).

Regarding claim 3, Tannenbaum et al. teach the X gesture and its corresponding command, "type the signature block at the keyboard focus cursor", would be in a user profile, probably having a overriding priority (column 22, lines 62-65).

Regarding claim 4, Tannenbaum et al. teach the X gesture and its corresponding command, "type the signature block at the keyboard focus cursor", would be in a user profile, probably having a overriding priority (column 22, lines 62-65) wherein the user profile is a particular user.

Regarding claim 5, Tannenbaum et al. teach PM-link retrieves or computes the exact hot spot coordinates within the visual work space at 338, and then compares this position with the position and size of all objects displayed at 340 (column 19, lines 52-55) wherein PM-link is the program that is launched.

Regarding claim 6, Tannenbaum et al. teach a touch driver 63 can be developed to communicate coherently with the integrated operating environment 56, by converting input signals generated by the touch sensor 63 into mouse movements and mouse clicks, the capabilities of the touch input device 36 are limited by the repertoire of the mouse device (column 6, lines 24-29) wherein converting input signals represents decoding a message.

Regarding claim 7, Tannenbaum et al. teach the stroke across the touch sensor is collected as a time sequenced set of coordinates usually resembling a shape such as

a circle or arrow which are deciphered by a gesture recognition unit (column 17, lines 59-62); if the stroke is recognized as one of the gestures in the stored library of shapes an action or series of actions will take place (column 17, lines 62-64); and the appropriate action is chosen from one of a plurality of interface profiles which match gestures, as well as other input, against corresponding commands (column 17, lines 65-67).

Regarding claim 8, Tannenbaum et al. teach the stroke across the touch sensor is collected as a time sequenced set of coordinates usually resembling a shape such as a circle or arrow which are deciphered by a gesture recognition unit (column 17, lines 59-62); AUI must recognize the stroke 400 depicted in FIG. 14 as an up arrow gesture by mapping the collect points against the gestures stored in the gesture library of the gesture recognition unit (see Fig.14) and the appropriate action is chosen from one of a plurality of interface profiles which match gestures, as well as other input, against corresponding commands (column 17, lines 65-67).

Regarding claim 9 and 10, Tannenbaum et al. teach the user inputs data into the computer system via device A (keyboard) 32, device B (mouse) 34 or touch sensor 36 (see Fig.1).

Regarding claim 11 and 12, Tannenbaum et al. teach the stroke across the touch sensor is collected as a time sequenced set of coordinates usually resembling a shape such as a circle or arrow which are deciphered by a gesture recognition unit (column 17, lines 59-62). Wherein the shape is formed in the touch sensor in the recessed portion (see Fig.12).

Regarding claim 13, Tannenbaum et al. teach the series of points collected when a user draws a circle on the touch sensor can be defined as the "circle token". Coupling the touch sensor 36 to integrated operating environment 56 allows the user to take advantage of application programs which are specifically written for the touch sensor 36 or other existing application programs for which only primitive mouse input signals are needed. Yet as the touch sensor 36 is also connected to AUI 100 through the gesture recognition unit 64 and the character recognition unit 65, application programs which do not recognize touch input can still accept gesture or character "tokens" due to the translation capabilities of the advanced user interface 100 (column 7, line 57 to column 8, line 4) wherein the circle represents the shape of the signet pattern from the touch signal.

Regarding claim 14, Tannenbaum et al. teach a gesture is created by the physical motion of a finger or stylus across the touch sensor. The stroke across the touch sensor is collected as a time sequenced set of coordinates usually resembling a shape such as a circle or arrow which are deciphered by a gesture recognition unit. If the stroke is recognized as one of the gestures in the stored library of shapes an action or series of actions will take place (column 17, lines 65-67) and the gesture recognition unit 64 detects a right arrow gesture from the touch sensor 36, it calls environment link 101 which determines the application program which owns the currently active window (see Fig.2).

Regarding claim 15, Tannenbaum et al. teach a touch sensor Fig.3 (36) and an AUI control panel Fig.3 (109).

Regarding claim 16, Tannenbaum et al. teach a touch input device is a capacitive transparent overlay placed over the display screen, which includes transparent conductors driven by an electromagnetic signal (column 2, lines 1-26).

Regarding claim 17, Tannenbaum et al. teach a touch driver 63 can be developed to communicate coherently with the integrated operating environment 56, by converting input signals generated by the touch sensor 63 into mouse movements and mouse clicks, the capabilities of the touch input device 36 are limited by the repertoire of the mouse device (column 6, lines 24-29).

Regarding claims 18 and 19, Tannenbaum et al. teach if the stroke is recognized as one of the gestures in the stored library of shapes an action or series of actions will take place (column 17, lines 62-64); the completed stroke is compared against all shapes found in the gesture libraries in the gesture recognition unit designated to be currently active (column 19, lines 40-42); and the appropriate action is chosen from one of a plurality of interface profiles which match gestures, as well as other input, against corresponding commands (column 17, lines 65-67).

Regarding claim 20, Tannenbaum et al. teach the user mechanically displaces one of the conductor planes to touch the other by a finger or stylus touch, thereby bringing the conductors into electrical contact with each other (column 2, lines 1-10); if the stroke is recognized as one of the gestures in the stored library of shapes an action or series of actions will take place (column 17, lines 62-64); the completed stroke is compared against all shapes found in the gesture libraries in the gesture recognition unit designated to be currently active (column 19, lines 40-42); the series of points



collected when a user draws a circle on the touch sensor can be defined as the "circle token". Coupling the touch sensor 36 to integrated operating environment 56 allows the user to take advantage of application programs which are specifically written for the touch sensor 36 or other existing application programs for which only primitive mouse input signals are needed. Yet as the touch sensor 36 is also connected to AUI 100 through the gesture recognition unit 64 and the character recognition unit 65, application programs which do not recognize touch input can still accept gesture or character "tokens" due to the translation capabilities of the advanced user interface 100 (column 7, line 57 to column 8, line 4) wherein the circle represents the shape of the signet pattern from the touch signal; and the appropriate action is chosen from one of a plurality of interface profiles which match gestures, as well as other input, against corresponding commands (column 17, lines 65-67).

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the ably examiner should be directed to Jean Lesperance whose telephone number is (571) 272-7692. The examiner can normally be reached on from Monday to Friday between 10:00AM and 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shalwala Bipin, can be reached on (571) 272-7681.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Application/Control Number:  
10/789,676  
Art Unit: 2629

Page 9

**or faxed to:**

(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



Art Unit 2629

Date 2/14/2008



BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600